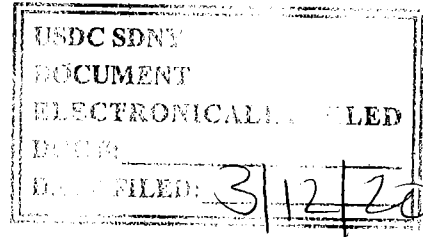


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
MELISSA JOHNSON, on behalf of her minor
children J.B. and J.D.,

Plaintiff,

v.

POLICE OFFICER JOHN WILLIAMS, individually
and in his official capacity as Police Officer for the
City of Poughkeepsie; POLICE OFFICER KEVIN D.
VANWAGNER, individually and in his official
capacity as Police Officer for the City of
Poughkeepsie; and CITY OF POUGHKEEPSIE,
Defendants.
-----X

ORDER

19 CV 9935 (VB)

Plaintiff Melissa Johnson commenced this action on October 27, 2019, on behalf of her minor children J.B. and J.D. Plaintiff is represented by counsel. (Doc. #1).

On February 11, 2020, more than ninety days after the complaint was filed, the Court ordered plaintiff to show cause in writing by March 11, 2020, why the complaint should not be dismissed for plaintiff's failure to comply with Fed R. Civ. P. 4(m). (Doc. #8). As of that date, there had been no indication on the docket that defendants had been served.

On March 11, 2020, plaintiff's counsel wrote to the Court and explained that he had deliberately "withheld service," because a related juvenile delinquency proceeding concerning plaintiff's minor children was ongoing.

The Court finds that plaintiff's counsel's strategic decision to withhold service is not "good cause" pursuant to Rule 4(m).

Accordingly, plaintiff's request made in the alternative, to dismiss the case without prejudice pursuant to Rule 41(a)(1)(A)(i), is GRANTED.

The Clerk is instructed to close this case.

Dated: March 12, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti
United States District Judge